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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,805	12/26/2001	Nemmara Chithambaram	30566.201-US-01	6253
22462	7590	08/26/2004	EXAMINER	
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045			DAVIS, TEMICA M	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 08/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/037,805

Applicant(s)

CHITHAMBARAM ET AL

Examiner

Temica M. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2 and 3</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6, 7, 12, 13, 18, 19, 24, 25, 30, 31 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Caughran et al (Caughran), U.S. Patent Pub. No. 2002/0107029.

Regarding claims 1, 13 and 25, Caughran discloses an apparatus/method/article for locating a mobile device, comprising an application programming interface (API), executed by a computer, for providing a plurality of simplified procedures that allow an application program executed by the computer to locate the mobile device (0012, 0017), wherein: (a) the application program invokes the simplified procedures of the API (0017); and (b) the invoked procedures obtain: (i) a location of the mobile device given an identification of the mobile device (0023), wherein: (1) the invoked procedures interact with specifics for a mobile positioning server of a carrier of the mobile device (0017, 0018); and (2) the invoked procedures interact with different methods of identifying the device as required by the carrier (0023); (ii) a description of a spatial reference system associated with the location (0020).

Regarding claims 6, 18 and 30, Caughran discloses the apparatus/method/article of claims 1, 13 and 25 wherein the invoked procedures interact with different protocols (0017).

Regarding claims 7, 19 and 31, Caughran discloses the apparatus/method/article of claims 1, 13 and 25 wherein the application program refines the location of the mobile device by applying a heuristic (application of uncertainty) (0027).

Regarding claims 12, 24 and 36, Caughran discloses the apparatus/method/article of claims 1, 13 and 25 wherein the application program may be dynamically deployed within a system without deploying a new version of the system (0017).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 14-17 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caughran in view of Oprescu-Surcobe et al (Oprescu-Surcobe), U.S. Patent No. 5,842,130.

Regarding claims 2-5, 14-17 and 26-29, Caughran discloses the apparatus/method/article of claims 1, 13 and 25 as described above and further discloses wherein the mobile station identified by a number that uniquely identifies the

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mobile station (0023). Caughran further discloses wherein the mobile station can communicate with the Internet (0013). Caughran, however, fails to specifically disclose the ID being a cellular number, MSISDN, IP address or a pre-stored default number.

In a similar field of endeavor, Oprescu-Surcobe discloses a method for identifying a mobile unit in a wireless communication system. Oprescu-Surcobe further discloses wherein a mobile unit can be uniquely identified by various numbers such as a pre-stored ESN, and later assigned numbers such as a phone number, directory number, mobile ID number, IMSI, TMSI, etc. (col. 4, lines 16-30).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Caughran with the teachings of Oprescu-Surcobe to ensure that proper identification of a mobile station is performed.

5. Claims 8-11, 20-23 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caughran in view of Rangarajan et al (Rangarajan), U.S. Patent No. 6,757,544.

Regarding claims 8, 9, 20, 21, 32 and 33, Caughran discloses the apparatus/method/article of claims 7, 19 and 31 as described above.

Caughran, however, fails to disclose wherein the location is refined by snapping to a closest point on a street network or by snapping to a landmark or point of interest in the vicinity.

In a similar field of endeavor, Rangarajan discloses a system and method for determining a location relevant to a communication device and/or its associated user.

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Rangarajan also discloses wherein the location of a mobile station/user is refined by snapping to a closest point on a street network or by snapping to a landmark or point of interest in the vicinity (col. 5, line 54-col. 6, line 4, col. 7, lines 27-31, col. 7, line 55-col. 8, line 35).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Caughran with the teachings of Rangarajan for the purpose of more accurately locating a user.

Regarding claims 10, 11, 22, 23, 34 and 35, the combination of Caughran and Rangarajan discloses the apparatus/method/article of claims 7, 19 and 31 as described above.

The combination, however, fails to disclose wherein the location is refined by snapping to a location in a vicinity of the location that a mobile device user has recently visited or wherein the location is refined by snapping to a location in a vicinity of the location that a mobile device user has book-marked as a "favorite" location.

However, the examiner believes that the above limitations would not render the claims patentable over the applied references because it merely depends on how one would want to locate a mobile unit without changing the scope of the invention in the applied references.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Caughran and Rangarajan for the purpose of more accurately locating a mobile/user.

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**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blumberg et al, U.S. Pub. No. 2004/0110515.

Bernas et al, U.S. Pub No. 2004/0077359.

Giniger et al, U.S. Patent No. 6,199,045.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 23, 2004

Temica M. Davis  
Examiner  
Art Unit 2681

  
TEMICA M. DAVIS  
PATENT EXAMINER